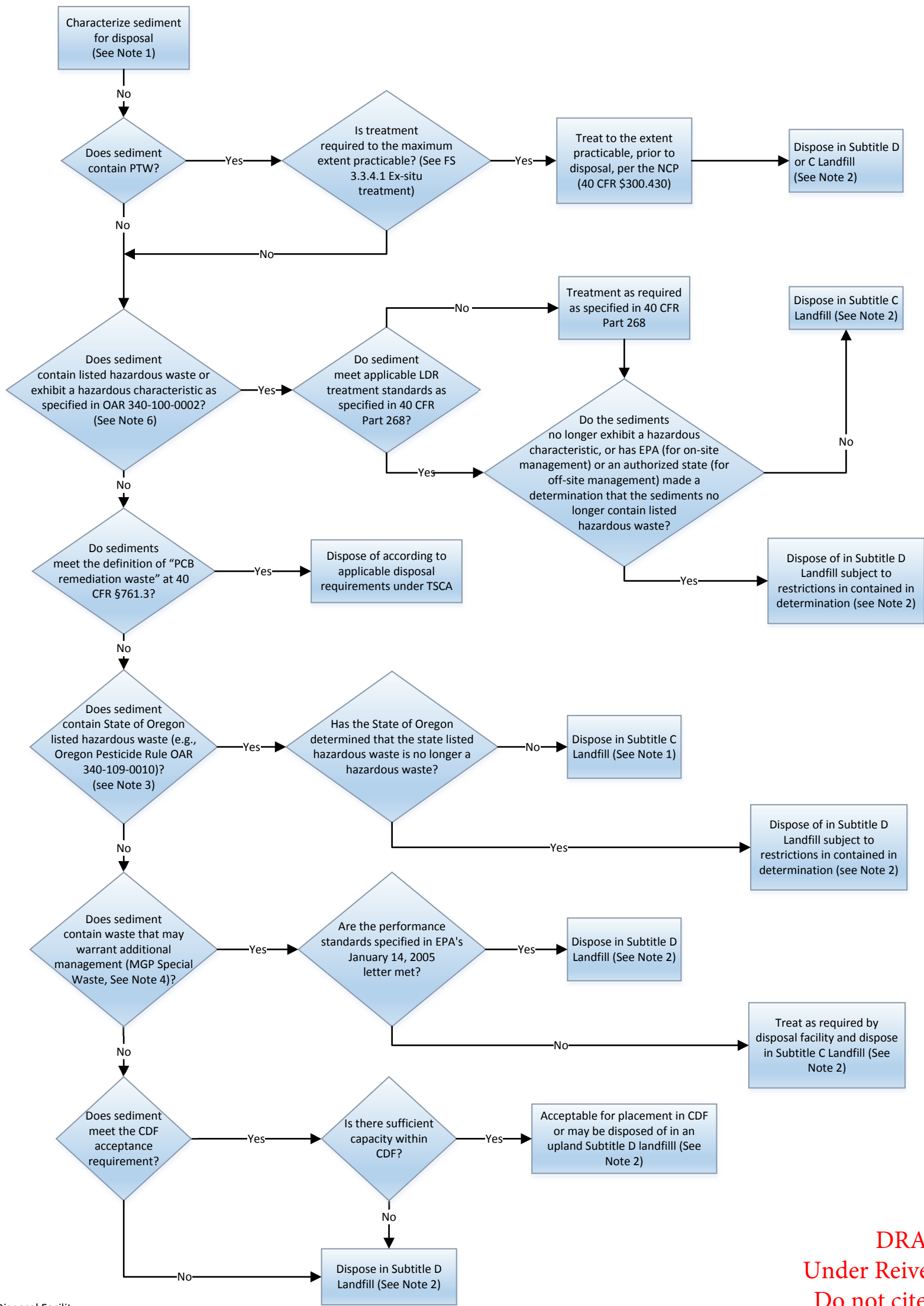


Figure 3.3-40. Sediment and Soil Disposal Decision Tree



Notes:

CDF – Confined Disposal Facility
CFR – Code of Federal Regulations
NCP – National Oil and Hazardous Substances Pollution Contingency Plan
PTW – Principal Threat Waste

Reliably Contained PTW – The determination of whether material can be reliably contained shall be based on site specific modeling that evaluates whether the contaminants can be reliably contained beneath a conventional or reactive cap.

Wastes that contain a mixture of regulated wastes (e.g., RCRA and TSCA) must be managed in accordance with all applicable regulations.

References to sediment can include riverbanks soils.

Acceptance of wastes at a disposal facility are also subject to the acceptance criteria of the particular facility.

1) If treatment of RCRA, TSCA, State Listed Hazardous Waste or MGP Special Waste may not be required by regulation or policy, these wastes must also be evaluated to determine whether they are Principle Threat Waste (PTW) as established in the Portland Harbor Feasibility Study. Any such waste identified as PTW must be managed according to the PTW elements of this Disposal Decision Tree. PTW below RCRA or TSCA levels for PCBs and dioxins/furans alone would not require treatment prior to disposal.

2) Any off-site facility receiving Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes must meet the acceptability criteria of the Off-Site Rule as set forth in the NCP (40 CFR §300.440). Facility compliance with the Off-Site Rule will be verified with the EPA Regional Off-Site Rule Compliance contact before any waste is transported off-site for treatment, storage, or disposal. Off-site transport will require a plan to minimize migration of contaminants off-site, particularly at transload facilities. In addition, dewatering may be required prior to disposal to meet facility specific requirements.

3) Sediment adjacent to and down river of the Arkema site contains manufacturing waste pesticide residues. If the pesticide residue waste is federally regulated under RCRA, they will be managed in accordance with 40 CFR Parts 260-268. If the pesticides are not federally regulated, the Oregon Pesticide Residue Rule (Oregon Administrative Rule 340-109) would apply.

4) As specified in the 2009 AOC between Northwest Natural, Siltronic Corporation and EPA, waste or media containing “Waste that May Warrant Additional Management” includes manufactured gas plant (MGP) waste that are exempted in the Resource Conservation and Recovery Act (RCRA; 40 CFR §261.24[a]) as a hazardous waste but may be specially managed as a non-hazardous waste at a Subtitle C facility based on any exceedance of Toxicity Characteristic Leaching Procedure (TCLP) criteria for MGP-related constituents and/or special considerations such as worker safety and equipment decontamination. The basis for this management approach is documented in EPA’s dispute decision dated December 17, 2004 and supporting letter dated January 14, 2005. See Section 3.5.3.1.

5) Sediments may require characterization of sediments for asbestos prior to removal and disposal. The presence of asbestos may trigger additional management requirements under the Asbestos Hazard Emergency Response Act (AHERA) and the National Emission Standards for Hazardous Air Pollutants (NESHAP).

6) Per OAR 340-100-0002, the State of Oregon has adopted the federal rules and regulations governing the management of hazardous waste as prescribed in 40 C.F.R. Parts 260 to 268, 270, 273 and Subpart A and Subpart B of Part 124, as enacted through June 30, 2014.

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